

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL AYALA, DOMINICA L. O'NEILL,  
RICHARD A. GUZMAN, and CESAR  
CASTILLO,

07 Civ. 7080

Plaintiffs,

07 Civ. ( )

-against-

PHILIP AMICONE, individually,  
EDMUND HARTNETT, individually,  
JOHN A. LISZEWSKI, individually  
CITY OF YONKERS, New York,  
PAUL WOOD, individually, POLICE  
OFFICERS JOHN DOE'S #1 to #20,  
individually, and SANITATION WORKERS  
#1 to #20,

Rule 701

Defendants.

FILED  
U.S. DISTRICT COURT  
2007 AUG -9 A 10:39  
S.D. OF N.Y. W.P.

## STATEMENT OF RELATEDNESS

On April 10, 2007, The Guardian News, Inc. v. Martino, 07 Civ. 2862

(CLB)(hereinafter "Guardian I") was filed; it challenges as violative of Plaintiff's rights as guaranteed by the First Amendment to the United States Constitution, the Village of Tuckahoe's local legislation governing newsracks. That action seeks damages, declaratory and injunctive relief. Thereafter Plaintiff filed the following cases that were accepted by the Court as related: The Guardian News, Inc. v. Town of North Salem, 07 Civ. 3803 (CLB); The Guardian News, Inc. v. Village of Larchmont, 07 Civ. 3804 (CLB); The Guardian News, Inc. v. Village of Croton-on-Hudson, 07 Civ. 3805 (CLB); The Guardian News, Inc. v. Village of Briarcliff Manor, 07 Civ. 3806 (CLB); The

Guardian News, Inc. v. Village of Dobbs Ferry, 07 Civ. 3809 (CLB); The Guardian News, Inc. v. Village of Bronxville, 07 Civ. 3810 (CLB); The Guardian News v. Town of North Castle, 07 Civ. 3811 (CLB); The Guardian News, Inc. v. Town of New Castle, 07 Civ. 3812 (CLB); The Guardian News, Inc. v. Village of Pelham, 07 Civ. 3813 (CLB); The Guardian News, Inc. v. Town of Greenburgh, 07 Civ. 4062 (CLB); The Guardian News, Inc. v. Village/Town of Mount Kisco, 07 Civ. 4141 (CLB); and The Guardian News, Inc. v. Village of Tuckahoe, 07 Civ. 2862 (CLB). Guevara v. Amicone 07 Civ 6941 and Smith v. Amicone, 07 Civ. 6946 were filed on or about August 1, 2007, as related cases and both involve the City of Yonkers' police charging employees of The Westchester Guardian, Inc. with criminal wrongdoing because they non-disruptively disseminated and/or attempted to disseminate copies of the Guardian.

In the instant filing the Plaintiffs are four more employees of The Guardian News, Inc. who was criminally charged by the City of Yonkers for non-disruptively distributing copies of The Westchester Guardian newspaper outside of City Hall in Yonkers. In that connection each was threatened with arrest/incarceration if he/she again distributes that periodical in Yonkers. In addition the copies of The Westchester Guardian that he/she had in his/her possession at the time were confiscated by members of the Yonkers Police Department.

An action is simultaneously being filed by The Guardian News, Inc. and its owner against the City of Yonkers and certain of its officials for violations of their First Amendment rights. In light of Yonkers' on-going First Amendment retaliation against other employees of the corporation (who have been charged criminally for non-disruptively distributing the newspaper and/or attempting to place copies of the

newspaper in newsracks in the City) additional actions will be filed on their behalves as well.

All of the First Amendment retaliation engaged in by the City of Yonkers occurred after The Westchester Guardian, Inc. filed a First Amendment civil rights action against Yonkers on newsrack related issues [The Guardian News, Inc. v. City of Yonkers, 07 Civ. 3802 (CLB) - - an action that was voluntarily dismissed without prejudice on the apparently false representation of the City's Corporation Counsel that the City allows and/or will allow newsracks to be placed on government property for the distribution of The Westchester Guardian.

Under the circumstances, should the Court find this case to be related to the earlier Guardian filings for purposes of judicial economy it is submitted that this filing should be accepted as a related case.

Dated: White Plains, N.Y.  
August 8, 2007

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